

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**FREDERICK GRAHAM,**  
**Plaintiff**

**v.**

**IAN CONNORS, et al.,**  
**Defendants**

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**No. 1:19-cv-1571**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 21st day of January 2020, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Plaintiff's motion to transfer the above-captioned case to the United States District Court for the Eastern District of Pennsylvania (Doc. No. 26) is **DENIED**;
2. Plaintiff's motion seeking various forms of relief (Doc. No. 27) is **GRANTED IN PART** and **DENIED IN PART** as follows:
  - a. The motion (Doc. No. 27) is **GRANTED** to the extent Plaintiff requests an extension of time to file his amended complaint, and his amended complaint is **DEEMED TIMELY FILED**;
  - b. The motion (Doc. No. 27) is **DENIED WITHOUT PREJUDICE** to the extent Plaintiff requests the appointment of counsel;
  - c. The motion (Doc. No. 27) is **DENIED** in all other respects;
3. Plaintiff's motion requesting sanctions (Doc. No. 29) is **DENIED**;
4. The Court **DEEMS** the operative pleading to consist of Plaintiff's amended complaint (Doc. No. 28) and supplement (Doc. No. 30);
5. The Clerk of Court is directed to amend the caption to reflect that Corizon is a named Defendant in this matter;
6. Plaintiff's claims against all Defendants, with the exception of his claims against Defendants Edinger and Viator, are **DISMISSED** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);
7. Plaintiff may file a second amended complaint within thirty (30) days of the date of this Order with respect to his claims against all Defendants except the DHEW. If

Plaintiff elects to file a second amended complaint, Plaintiff is advised to adhere to the standards set forth in the Federal Rules of Civil Procedure and the directives set forth by this Court in its accompanying Memorandum. Specifically, the second amended complaint must be complete in all respects. It must be a new pleading which stands by itself without reference to the previously-filed complaints or any other documents already filed. The second amended complaint should set forth Plaintiff's claims in short, concise and plain statements as required by Rule 8 of the Federal Rules of Civil Procedure. Each paragraph should be numbered. The second amended complaint should specify which actions are alleged as to which defendants and sufficiently allege personal involvement of the defendant in the acts which Plaintiff claims violated his rights. Mere conclusory allegations will not set forth cognizable claims. The second amended complaint should also not raise claims regarding Plaintiff's incarceration at institutions outside of this judicial district and should not raise frivolous claims, such as claims regarding the placement of microchips and LSD in his food. Importantly, should Plaintiff elect to file a second amended complaint, he must re-plead every cause of action in the second amended complaint because the second amended complaint will supersede the original complaint and amended complaint. See Knight v. Wapinsky, No. 12-cv-2023, 2013 WL 786339, at \*3 (M.D. Pa. Mar. 1, 2013) (stating that an amended complaint supersedes the original complaint). Because an amended complaint supersedes the original pleading, all causes of action alleged in the amended complaint which are not alleged in the second amended complaint are waived. See id. (citations omitted);

8. The Clerk of Court is directed to mail Plaintiff a civil rights complaint form; and
9. If Plaintiff files a second amended complaint, it will supersede the original complaint as set forth above. If Plaintiff fails to file a second amended complaint within thirty (30) days of the date of this Order, the Court will proceed on Plaintiff's amended complaint as to his claims against Defendants Edinger and Viator.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania